

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**TINA M. GREGORY, individually and as
Class Representative for all others
similarly situated,**

Plaintiffs,

v.

**PREFERRED FINANCIAL SOLUTIONS,
et al.,**

Defendants.

CIVIL ACTION NO. 5:11-CV-422(MTT)

ORDER

This matter is before the Court on the Plaintiff's motion to strike the Defendants' offer of judgment (Doc. 114) and motion to compel (Doc. 115). The Plaintiff argues that the Defendants' offer of judgment made pursuant to Fed. R. Civ. P. 68 is improper because the offer was made to the class representative rather than the certified class. The Defendants have not responded to the Plaintiff's motion. Because this case has already been certified as a class action, "an offer to one is not an offer of the *entire* relief sought by the suit[.]" *Greisz v. Household Bank (Ill.), N.A.*, 176 F.3d 1012, 1015 (7th Cir.) (internal citations omitted). The Defendants may not use a Rule 68 offer to potentially shift costs and "undermin[e] the use of the class action device." *Sampaio v. People First Recoveries, LLC*, 2008 WL 509255, at *1 (S.D. Fla.) (internal quotation marks and citations omitted). Accordingly, the Plaintiff's motion to strike is **GRANTED**, and the Rule 68 offer is **STRICKEN**.

The Plaintiff has also filed a motion to compel the Defendants to produce the class list that was due by February 15, 2014 pursuant to this Court's Order. (Docs. 108, 113). The Defendants are **ORDERED** to respond to the Plaintiff's motion to compel by NOON on March 11, 2014.

SO ORDERED, this 10th day of March, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT